



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,124	11/02/2000	Michael Lewis	53588-0027	9086

29989 7590 12/30/2004

HICKMAN PALERMO TRUONG & BECKER, LLP  
2055 GATEWAY PLACE  
SUITE 550  
SAN JOSE, CA 95110

EXAMINER
----------

SNAPP, SANDRA S

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/708,124

Applicant(s)

LEWIS ET AL.

Examiner

Sandra Snapp

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) 23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-26 and 30 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-22 and 27-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3-5-01, 11-18-02, 2-6-03, 10-21-02
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Response to Amendment***

This Office Action is in response to the Amendment filed on 9-20-04. Currently, claims 1-22 and 24-30 are pending in the application. New claims 27-30 were added with this Amendment.

There seems to be some confusion as to claim 23. The Applicant elected claims 1-22 and 24-26 in an election on 6-8-04, and as such, claim 23 should have been cancelled from the application. However in the amendment of 9-20-04, claim 23 was not cancelled. Claim 23 was not given any consideration in this office action, as it should be cancelled in view of the election.

***Specification***

The objection to the Abstract is herein maintained since it has not been amended and is still too long.

***Oath/Declaration***

The objection to the Oath is herein withdrawn in view of the information being supplied in the Application Data Sheet.

***Information Disclosure Statement***

All the IDSs were available to the Examiner, and herein considered either again or for the first time.

Art Unit: 3624

***Claim Rejections - 35 USC § 112***

The rejection of claims 1-22 and 24-26 has been successfully overcome with the Amendment of 9-20-04, as such the rejection is herein withdrawn.

***Claim Rejections - 35 USC § 101***

The rejection of claims 1-22 and 25 based on 35 U.S.C. 101 is herein withdrawn, see below.

***Allowable Subject Matter***

This application is in condition for allowance except for the following formal matters: Claims 1-22 and 27-29 are directed to methods however they claim apparatuses. Two separate statutory classes cannot be claimed in the same claim. The claims were amended to overcome a rejection based on 35 U.S.C. 101 given by the Examiner in a previous office action. After further reviewing the claims, and considering the Applicant's remarks regarding the 101 rejection, the Examiner believes she was in error in giving such a rejection. In the claims, the language in the preamble directed to an electronic commerce transaction, and then further language in the claims directed to electronic commerce transactions is sufficient to satisfy the requirement for technology under 35 U.S.C. 101. As such, the rejection of claims 1-22 and 25 is withdrawn, and the Examiner apologizes for any inconvenience this rejection may have caused the Applicant.

Claims 24, 25, 26 and 30 are allowed.

Art Unit: 3624

The following is a statement of reasons for the indication of allowable subject matter: none of the cited prior art discloses, shows or teaches determining a first fraud risk score, a second fraud risk score, and then blending the model score value with merchant-specific threshold values resulting in a final fraud risk score.

***Conclusion***

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SANDRA S. SNAPP  
PATENT EXAMINER  
GROUP 3600



HANI M. KAZIMI  
PRIMARY EXAMINER